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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,518	08/31/2001	Janani Janakiraman	AUS920010653US1	3252
7590	06/13/2006		EXAMINER	
Robert H. Frantz P.O. Box 23324 Oklahoma City, OK 73123-2334			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,518

Applicant(s)

JANAKIRAMAN ET AL.

Examiner

Yogesh C. Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment under 37 CFR 1.121 received on 3/2/2006 is acknowledged and entered. The applicant has argued and requested for Reconsideration. Claims 1-21 were previously withdrawn. The applicant has neither amended nor added any claims. Currently claims 22-39 are pending for examination. Note: The applicant has presented the claims incorrectly. In the amendment it is indicated that claims 28-39 are "new". Claims 28-39 were presented in the previous amendment received on 8/16/2005. Appropriate correction is required.

Response to Arguments

2.1. The applicant argues (see pages 10-11 of remarks filed on 3/2/2006) that the cited prior art does not disclose that the "essential web objects" in claims 22, 28 and 34 mean not including advertisements, banners, animated graphics, etc. but the actual content of the data or that Provance is silent as to selecting data based on any criteria related to the content of packets. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the "essential web objects" in claims 22, 28 and 34 mean not including advertisements, banners, animated graphics, etc. but the actual content of the data and selecting data based on any criteria related to the content of packets) are not recited in the rejected claim(s). Although the claims are interpreted

in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Note:

However, if the limitations of claims 23-27, 29-33 and 35-39 are added to each of the independent claims 22, 28 and 34 respectively then the applicant's arguments could be relevant.

2.2. The applicant argues and attacks the reference Agarwal individually that Agarwal is silent as to transmitting the battery condition to a web server. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the examiner has used the combined arts of Provance and Agarwal to show the obviousness of transmitting the low battery condition to a web server. IN Provance, the packet source which provides the data- packets correspond to web-server and data packets can include web objects. Further, the base station in Agarwal comprises a computer which receives the signal of low battery and so is the case in the claimed invention, that is a web server comprising a computer receiving the signal of low battery from a networked mobile client device and therefore the step of transmitting the battery condition from client device to a computer whether it belongs to a base station or a web server is similar.

2.3 The applicant's argument (see page11 of remarks filed on 3/2/2006) that Provance teaches slowing down the transfer rate of continuous transmission of packets

of data (or deleting some of the packets at random in view of congestion) and does not teach downloading only selected essential content have been considered fully and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent 6,493,758 to McLain and Agarwal.

2.4. With regards to Official Notice taken by the examiner in rejecting claims 23-27, 29-33 and 35-39, the applicant has demanded a documentary evidence. The examiner quotes US Patent 6,493,758 to McLain as an evidence disclosing/suggesting that the data or web objects could be related to advertisement/graphical web objects/video segment & clip objects/sound and audio web objects/ multicolor web objects (see at least col.8, lines 18-37 and col.9, line 51-col.10, line 34 which disclose that the user's mobile device can receive multi-media data including web objects that are related to graphical web objects/video segment & clip objects/sound and audio web objects/ multicolor web objects. McLain also teaches that the user's mobile device can receive/download data from external sites which, as well-known, could include advertisements which could be displayed in the form of text/ graphical images/multicolor images).

This is a Non-Final rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3625

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1. Claims 22-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLain in view of Agarwal.

Regarding claim 22, McLain in view of Agarwal teaches a method for preserving battery life in a portable networked client device by restricting the types of web objects received by the client device based upon battery conditions, said method comprising the steps of:

selecting only essential web objects in a web page for transmission by said web server to said client device on receipt of a particular information about the mobile client device, otherwise selecting all web objects in a web page for transmission by said web server to said client device; and transmitting said selected web objects to said networked client device (see at least Abstract, Fig.6 , col.2, lines 25-34, col.3, lines 40-49 and col.7, line 32-col.11, line 32. McLain teaches based upon receiving characteristic information of the mobile client device pertaining to hardware/software capabilities the host computer, that is the web server in the claimed application, transfers/downloads only selected essential content as desired).

McLain does not teach that the particular information received [by the web server that is the host computer in McLain] about the mobile client device is related to the condition of battery of the mobile client device being low, determining the condition of a

battery in a networked client device and transmitting said battery condition from said mobile client device to the web server. However, in the same field of endeavor, Agarwal discloses determining the condition of a battery in a networked client device and transmitting said battery condition from said networked client device to a web server and if the battery condition is low prompting the receiving computing device to take action based upon the low condition of the battery(see at least Agarwal: Abstract, col.1, lines 44-67. Agarwal describes determining a particular parameter/characteristic of the mobile client device, that is battery power level of the mobile client device, and based on the detection of this parameter transmitting said parameter, that is battery condition to a base station which takes further action in response to detection of a particular parameter, that is low battery power level. The base station in Agarwal comprises a computer which receives the signal of low battery and so is the case in the claimed invention, that is a web server comprising a computer receiving the signal of low battery from a networked mobile client device).

In view of Agarwal, it would be obvious to one of an ordinary skilled in the art, at the time of the applicant's invention, to have modified McLain to combine Agarwal's features of determining the condition of a battery in the mobile client device and transmitting said battery condition from said mobile client device to the web server because, as taught in Agarwal, it would enable the host computer in McLain to further improve its objective of downloading data in mobile client devices efficiently from web sources without wasting the memory's storage capacity of the mobile client device (see McLain col.2, lines 8-17) by prioritizing the transmission/downloading of essential data

as per the user's preference that is if the user has indicated preference for audio data then to transmit on priority the audio data excluding the text/graphical/video data in order to complete the downloading efficiently of the required data only before the battery becomes dead.

3.2. Regarding claims 28 and 34, their limitations are closely parallel to the limitations of claim 22 and are therefore analyzed and rejected on the same basis.

3.3. Regarding claims 23-27, 29-33 and 35-39, McLain in view of Agarwal discloses that the data or web objects could be related to advertisement/graphical web objects/video segment & clip objects/sound and audio web objects/ multicolor web objects (see at least col.8, lines 18-37 and col.9, line 51-col.10, line 34 which disclose that the user's mobile device can receive multi-media data including web objects that are related to graphical web objects/video segment & clip objects/sound and audio web objects/ multicolor web objects. McLain also teaches that the user's mobile device can receive/download data from external sites which, as well-known, could include advertisements which could be displayed in the form of text/ graphical images/multicolor images).

Conclusion

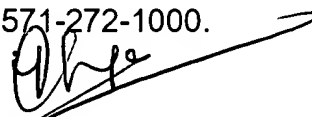
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 2002/0049833 A1 to Kikinis (Now US Patent 6,553,410) discloses improvements to overcome the short battery life span of the mobile client devices by downloading data specifically reduced according to characteristic of the mobile device (see paragraphs 0009, 0087 and 0115).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
6/2/2006